

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, March 25, 1925

Senate called to order by the President.

Prayer by Rev. R. F. Lowe of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House; An Act to regulate fishing in the Aroostook River and tributaries, in Aroostook County. (S. P. 271)

In the Senate, March 20, passed to be engrossed.

In the House, indefinitely postponed in non-concurrence.

In the Senate: On motion by Mr. Allen of York, the Senate voted to insist and ask for a committee of conference.

The Chair appointed as members of such committee of conference on the part of the Senate, the Senator from Aroostook, Senator Wilson, the Senator from Piscataquis, Senator Crafts, and the Senator from Oxford, Senator Buzzell.

House Bills in First Reading

An Act relating to kindergartens as part of the common schools. (H. P. 430)

(On motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill was given its second reading, and the same senator made the further motion that the bill be passed to be engrossed.)

On motion by Mr. Wilson of Aroostook, tabled pending passage to be engrossed.)

An Act relating to the taking of additional land by railroad corporations; proceedings before Public Utilities Commission. (H. D. 437)

(Mr. CARTER of Androscoggin, Mr. President, panding acceptance of this report, I move it lie on the table, for the purpose of offering an amendment which will clear up an ambiguity in the bill.

The motion was agreed to, and the bill was tabled.)

An Act to provide for notice to mortgagees in case mortgaged real estate is sold for taxes; and to provide for redemption by a mortgagee if notice is not given; and to provide for redemption in case real estate is sold for taxes when same are as-

essed against the name of a person not the true owner. (H. D. 436)

(On motions by Mr. Cram of Cumberland, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

An Act to authorize the city of Belfast to pay its bonded indebtedness, and to issue new bonds for that purpose. (H. D. 432)

(On motions by Mr. Hinckley of Cumberland, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

An Act to incorporate Old Town Herbert Gray School District. (H. P. 1217)

(On motions by Mr. Powers of Aroostook, under suspension of the rules the bill was given its second reading and passed to be engrossed.)

Resolve, in favor of Bessie E. King of Belfast, for State Pension. (H. D. 427)

(On motions by Mr. Walker of Knox, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

Resolve providing for a State Pension for Alice Guptill of Belfast. (H. D. 426)

(On motions by Mr. Hussey of Aroostook, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

Resolve, providing for a State Pension for George A. McKusick, of Guilford. (H. D. 429)

(On motions by Mr. Crafts of Piscataquis, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

Resolve, in favor of Eliza J. Eldridge of Hampden for State Pension. (H. D. 428)

On motions by Mr. Case of Washington, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

Resolve, in favor of Nancy T. Morrill of Madison for State Pension. (H. D. 425)

(On motions by Mr. Holley of Somerset, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

Resolve for the appointment of one or more persons to represent the State in certain proposed changes in freight rates affecting the people of the State (H. D. 439).

(On motion by Mr. Cram of Cumberland, under suspension of the

rules the resolve was given its first reading.

On further motions by the same Senator, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

An Act to extend the powers of Western Maine Power Company, formerly Limerick Water & Electric Company (H. D. 434).

(On motion by Mr. Carter of Androscoggin, under suspension of the rules the bill was given its first reading.)

On further motions by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

An act relating to the Rumford and Mexico Water District, authorizing said District to take water from Walker Brook in the towns of Roxbury and Weld (H. D. 435).

(On motion by Mr. Buzzell of Oxford, under suspension of the rules, the bill was given its first reading.

On further motions by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

An Act relating to application for license to build or extend wharves or fish weirs (H. D. 438).

(On motion by Mr. Case of Washington, under suspension of the rules the bill was given its first reading.

On further motions by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

The following remonstrances were received, and on recommendation by the committee on reference of bills, were referred to the following committees:

Judiciary

By Mr. Bond of Lincoln, remonstrance of George E. Boynton of Jefferson and 8 others against the repeal in any manner of the present Direct Primary Law (S. P. 572).

By Mr. Cram of Cumberland, remonstrance of W. Stanley Carne of Gorham and 20 others against the same (S. P. 573).

Taxation

By Mr. Morrison of Franklin, remonstrance of H. L. Whittier of Farmington, Maine, and 60 others against the passage of an Act requiring an excise tax to be paid on all cigarettes sold in the State (S. P. 574).

Bills in First Reading

An Act to Amend Section 3 of the Public Laws of 1923, relating to retiring and pensioning State employees (S. D. 239).

(On motions by Mr. Holley of Somerset, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

Resolve, in favor of F. W. Cunningham & Sons for contractors' fees as per contract with the State dated October, 1923, in connection with the State Prison, Thomaston, Maine, together with disbursements (S. D. 240).

(On motions by Mr. Carter of Androscoggin, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

An Act Relating to Adjustment of Rate of Interest on Farm Loans Granted by the State (S. D. 241).

(On motion by Mr. Wilson of Aroostook, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

Reports of Committees

Mr. Wilson of Aroostook, on An Act relating to license for trapping fur-bearing animals (S. D. 205) reported that the same ought not to pass.

Mr. Case from the Committee on Sea and Shore Fisheries, on An Act prohibiting the taking of smelts from the waters of Medomak River (S. D. 245) reported that the same ought not to pass.

The reports were accepted and send down for concurrence.

The majority of the Committee on State Prison, on An Act to amend Chapter 195 of the Public Laws of 1917, relative to the powers of prison commissioners (S. D. 32) reported that the same ought not to pass.

(Signed)

WALKER
BOND
MORRISON
LEIGHTON
BISHOP
MORSE
PENDLETON
LUNT

The minority of the same committee, on the same subject matter, reported that the same ought to pass.

(Signed)

PALMER
HAM

On motion by Mr. Morrison of Franklin, tabled pending acceptance of either report.

Mr. Lord, from the Committee on Agriculture, on An Act to define certain grades of milk offered for sale within the State. (S. D. 73) reported the same in a new draft, under the same title (S. P. 575) and that it ought to pass.

The same Senator, from the Committee on Inland Fisheries and Game, on the following resolves:

Resolve, appropriating money to aid in the screening of Cathance Lake, in Washington County. (S. P. 90.)

Resolve, appropriating money to aid in the screening of Kennebunk Pond, in the town of Lyman, County of York. (S. P. 168.)

Resolve, appropriating money to aid in the screening of Hayden Lake, in the town of Madison, in the County of Kennebec. (S. P. 222.)

Resolve, appropriating money to aid in the screening of Hot Brook Lake, in the town of Bancroft, Aroostook County. (H. P. 262.)

Resolve, appropriating money to aid in the screening of Onawa Lake, in the town of Willimantic, Piscataquis County. (H. P. 263.)

Resolve, appropriating money to aid in the screening of Sebec Lake, in the town of Sebec, Piscataquis County. (H. P. 264.)

Resolve, appropriating money to aid in the screening of Bog Lake, in the town of Northfield, County of Washington. (H. P. 321.)

Resolve, appropriating money to aid in the screening of Lake Moxie, in Somerset County. (H. P. 374.)

Resolve, appropriating money to aid in the screening of Schoodic Lake, in Township Four, Range Eight, Piscataquis County. (H. P. 105.)

Resolve, appropriating money to aid in repairing the screen at the outlet of Wilson Lake, in Wilton, in the County of Franklin. (H. P. 537.)

Resolve, appropriating money to aid in the screening of Wesserun-sett Lake, in the town of Madison, County of Somerset. (H. P. 605.)

Resolve, appropriating money to aid in the screening of Stetson Pond, in the town of Stetson, in the County of Penobscot. (H. P. 606.)

Resolve, appropriating money to aid in the screening of Pennamaquam Lake, situated wholly or partly in the town of Charlotte, in the county of Washington. (H. P. 760.)

Resolve, in favor of the Sheep-

scot River Fish and Game Association. (H. P. 762.)

Reported the same in a new draft, under the title of Resolve, appropriating money to aid in the screening of certain lakes and ponds. (S. P. 576) and that it ought to pass.

Mr. Wilson, from the same Committee, on Resolve, appropriating money for the purpose of operating fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of the Commissioner of Inland Fisheries and Game, and for maintenance of the Maine State Museum and for other expenses incident to the administration of the Department of Inland Fisheries and Game. (S. P. 78) reported the same in a new draft, under the same title (S. P. 577) and that it ought to pass.

Mr. Crafts, from the same Committee, on An Act relating to the disposition of money collected under the provisions of the Inland Fish and Game Laws (S. P. 69), with petitions in favor of amending the law (Senate Papers 423 to 428 inclusive) reported the same in a new draft, under the same title (S. P. 578) and that it ought to pass.

The reports were accepted and the bills and resolves tabled for printing under the joint rules.

Mr. Hussey, from the Committee on Judiciary, on An Act relating to penalty for reckless driving of motor vehicles (S. D. 29) reported that the same ought to pass.

The report was accepted, the rules were suspended, and the bill was given its first reading.

Mr. Walker, from the Committee on Sea and Shore Fisheries, on An Act to repeal Chapter 57 of the Private and Special Laws of 1923 relating to smelt fishing in the waters of Pennamquam and Cobscook Bays (S. P. 246) reported that the same ought to pass.

Messrs. Smith and Carlton, from the Committees on Ways and Bridges and Interior Waters, on bill An Act to provide for building a bridge across the Kennebec River between the City of Bath and the town of Woolwich (S. D. 116) reported the same in a new draft, under the same title (S. P. 579) and that it ought to pass.

Messrs. Smith and Carlton, from the Committees on Ways and Bridges and Interior Waters, on Resolve, amending Article IX of the Constitution, authorizing the issuing of bonds to be used for the purpose of building a bridge across the Kennebec River between the city of Bath and the town of Woolwich (S. D. 115) reported the same in a new draft, under the same title (S. P. 580) and that it ought to pass.

The reports were accepted and the bills and resolve tabled for printing under the joint rules.

Mr. Bond, from the Committee on Counties, submitted its final report, having acted upon all matters referred to them.

The report was accepted.

The Majority of the Committee on Labor, on Resolve, rejecting proposed amendment to the Constitution of the United States granting to Congress power to limit, regulate and prohibit the labor of persons under eighteen years of age (S. P. 125) reported that the same ought to pass.

(Signed)

HARRIMAN
WADSWORTH
ROBERTS
GILCHRIST
CUMMINGS
VAIL

The minority of the same Committee, on the same subject matter, reported that the same ought not to pass.

(Signed)

SMITH
STITHAM
WINN
DAVITT

On motion by Mr. Wadsworth of Kennebec, tabled pending acceptance of either report.

The majority of the Committee on Labor, on Resolve, ratifying proposed amendment to the Constitution of the United States, granting Congress the power to limit, regulate, and prohibit the labor of persons under eighteen years of age and declaring that the power of the several states is unimpaired thereby except that the operation of the state laws shall be suspended to the extent necessary to give effect to legislation enacted by Congress (S. P. 121) reported that the same ought not to pass.

(Signed)

HARRIMAN
WADSWORTH
ROBERTS
GILCHRIST
CUMMINGS
VAIL

The minority of the same Committee, on the same subject matter, reported that the same ought to pass.

(Signed)

STITHAM
WINN
DAVITT
SMITH

On motion by Mr. Wadsworth of Kennebec, tabled pending acceptance of either report, and especially assigned for Friday morning.

Mr. Hussey, from the Committee on Pensions, on bill An Act to amend Chapter 148 of the Revised Statutes creating a Field Agent for the Blind, and Guide, and defining the duties and compensation of such Field Agents and Guide (S. D. 3) reported the same in a new draft, under the same title (S. P. 581) and that it ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Passed to be Enacted

Resolve proposing an amendment to the constitution prohibiting the use of public funds for sectarian schools, S. D. 9.

The PRESIDENT: This resolve comes from the House that branch having failed to give the resolve a final passage.

Mr. BARWISE of Penobscot: Mr. President, I move that this resolve be now passed to be enacted; and in support of the motion I wish to offer a few observations as to why I think it should be passed to be enacted.

The PRESIDENT: Does the Senator from Penobscot, Senator Barwise, care to make a motion at this time?

Mr. BARWISE: Mr. President, I have just tried to make a motion that the resolve be passed to be enacted at this time, and in support of that motion I will say that the matter now before us is probably the most important of any that has been in the public mind during the present session of the legislature. I trust that we may be able to discuss this matter in a proper frame of mind and that we may discuss the question with slow pulse and with equanimity. Anything in the nature of hysterical appeals to the emotions, anything of the character of the famous three B's letter, or of the wild and hyster-

ical utterances that have been made upon many of the platforms throughout this State is entirely out of place in a solemn discussion of an amendment to the constitution of the state of Maine.

I am in favor of this amendment for two reasons. First, because it is in fitting congruity and in perfect harmony with our traditional American policy of total and complete separation of church and state; secondly, I am in favor of submitting this amendment to the people of the State of Maine because the people themselves by nominating Governor Brewster to run upon this as his outstanding issue, by his nomination have demanded that this identical amendment be submitted to them to be voted upon.

In view of, and perhaps to allay some of the effects that some of the ill-considered remarks that have been made have created upon your minds during the last year or two, I wish to direct your attention to the historical development of this proposition, something as to the historical basis upon which this amendment rests. The two distinctive features, the two fundamental things that America has contributed to the civilization of the world is the doctrine and the application of that doctrine to its political affairs of total and complete separation of church and state, and the establishment of a real nation-wide public school system. Those are two distinct contributions which America has made to civilization.

As to the separation of church and state, it was a matter of slow growth. All things affecting national movement, all things affecting the growth of civilization have been slow. The evolution of our political system has been a matter of long and slow growth, beginning away back of the town meeting in the German forest, before the Angles and Saxons came over to England, developing up from the county courts which were merely composed of groups of representatives from the towns to the county courts, then to the general court of the British Empire, and the general preliminary development that has gone on since then, the gradual growth of the rights of the people. One long step was made when the Magna Charta was granted, after the struggle with the barons, until coming down along the course we have the Bill of Rights and the Petition of Rights. Coming over to America we have the Declaration of Independence of the United States. All these matters, speaking generally,

had been a gradual growth of the public rights, of the rights of the people as against king-craft on the one hand and priest-craft on the other.

For 125 years previous to the Declaration of Independence, during all the formative period of our colonial government, of our American government, there was scarcely a ship that landed at Philadelphia or Baltimore or Boston but what contained from one to fifty or a hundred refugees who were fleeing either from one side or the other from conditions under which they were suffering due to religious persecution. There was at that time no difference between the Protestant and the Catholic. When the Catholics were in power they butchered the Protestants; when the Protestants were in power they turned around and butchered the Catholics. There was no difference between Torquemada and John Calvin, but gradually during all this time there grew up in the public mind among our colonial ancestors the special conviction that the only way to make this religious business was to have a total and complete separation of church and state, the conviction that religion should ever remain a private matter untouched by our political institutions and should not be meddled with by our political powers, and should not be mixed with our political affairs.

Every one of you who have read the Colonial Letters, and I presume most of the senators here are familiar with them, know that this was the settled conviction of all our public men, that there should be a total and complete separation of church and state. All the discussions in the Constitutional Convention of 1787 indicate that they were agreed upon that point. When that constitution was framed, the original draft of which was largely in the writing of James Madison, there was put into the sixth article of that constitution, our Federal constitution, this line "No religious test shall ever be required for holding office under the United States." That was intended to make complete the separation of church and state, because it had reference to the Religious Test Act in England, and to the Religious Test Act in Massachusetts, and you all know that for a matter of two hundred years in England nobody could hold public office unless they were a member of the Established Church; and in Massachusetts for more than eighty years nobody could vote in town meeting unless he was a mem-

ber of the Congregational Church. That line put into our Federal constitution was intended to make complete separation of church and state, and at that time they thought that it did accomplish that purpose. Then when an endeavor was made to have that constitution ratified by the several state conventions there was an immediate uproar. The people of the several states said "You haven't accomplished what you set out to accomplish; you haven't done it; you haven't any restraint upon Congress; you haven't any restraint upon the various churches; you haven't accomplished what you thought you were accomplishing." And those of you who are familiar with the ratifying conventions know that there is nothing and never has been anything so exciting in all our American history as the proceedings attending the ratification of our constitution. There has been nothing so long continued and so exciting and such a continuous discussion as that which related to the ratification of our Federal constitution by the several conventions in the various states. In those various states they only ratified by a narrow margin in many of them. In one state it was ratified by a margin of only two votes, and in another by a majority of only six votes; and they would not have ratified at all, and it couldn't have been done at all unless under a gentleman's agreement when Hamilton and Madison agreed that if they would ratify that they would fix this difficulty in the very first session of Congress, and they would make sure that there was total and complete separation of church and state, and they ratified under that gentleman's agreement. Madison was a gentleman and kept his word, and he did start at the very first session of Congress an amendment embodying among other things this provision "Congress shall have no power to pass a law respecting a religious establishment." That was the very first line, and that was a matter that was in the minds of the members of the very first Congress that assembled.

Then everything went along serenely until 1811, when James Madison came to be President. At that time Congress voted two townships to the New Salem Church in Mississippi Territory and the bill went up to Madison for his signature. Madison vetoed this bill, and his veto message, if I may read it to you, is as follows:

"I now return the same to the House of Representatives in which it originated with the following objections: Because the bill in reserving a certain parcel of land of the United States for the use of said public church comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article in the constitution which declares that Congress shall make no law respecting a religious establishment."

That was the construction which Madison gave then to the amendment which he himself wrote. That construction has never been questioned down to the present hour. Our Federal government is based emphatically and squarely, with respect to this question, on the proposition of no public funds for any sectarian purpose.

Now then, just a few years after this, along during the 40's and 50's and 60's and 70's and 80's the various religious denominations began to beseech the State governments for money and one after another of the states passed amendments similar to the one which is now under discussion, or sometimes going very much farther. Every one of these 33 states that have passed this amendment have an amendment that goes as far as this one, and most of them go very much farther, that "no public funds shall be appropriated for any sectarian purposes." Many of them go so far as to say that no public funds shall be appropriated for any private purposes. I will not weary you at this time by reading many of those amendments, but I will call your attention to one or two of them just for the purpose of showing the style of amendment that some of the other states have adopted.

The constitution of Illinois says, "Neither the General Assembly nor any county, city, town, township, school district or other public corporation shall ever make any appropriation or pay from any public funds whatever anything in aid of any church or sectarian purposes to help, support or sustain any school, academy, seminary, college, university or literary or scientific institution controlled by any church or sectarian denomination whatever."

New Hampshire says, "No money raised by taxation shall ever be granted or applied for the use of

the school or institution of any religious sect or denomination."

New York says, "Neither the State nor any subdivision thereof shall use its property or credit or any public money or authorize or permit to be used directly or indirectly in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination or in which any denominational tenet or doctrine is taught."

So that at this time our Federal government is living under this proposition, and 33 of the states, and these are of the largest states, are living under this proposition. I merely mention that in order that you may realize that this is not simply an over-night dream or a bogey of the imagination. This is a matter which all the great states have endorsed and have written into their basic law.

Some little wonder has been expressed about the lobbies and some little chatter has been going on as to the inconsistencies of my position on this matter. I wish to make it perfectly clear that my position is this, that I stand for any amendment that embodies this proposition that no public funds shall be appropriated for sectarian purposes. If it is necessary to go further than those words in order to obtain that result, then I will go further and vote for such an amendment that says "no public funds for any private purposes." If there are some Senators here who do not feel they can go quite so far as to confine this proposition to hospitals and orphanages and will go with me to confine it as in this particular instance under discussion to merely sectarian schools, then I am in favor of that. I am in favor of taking half a loaf rather than no bread, if I cannot get a whole loaf.

I have no patience with those people who are fussing about inconsistencies. I am in favor of the proposition that no funds be used for sectarian purposes, if I can get it, and if I cannot get that, then I will take what I can get. So much for the first reason why I am for this amendment.

My second reason for being in favor of this amendment is that the people of the State of Maine have shown,—the Republicans of the

State of Maine have shown their interest in this matter, and by nominating Brewster as Governor they have shown their demand that this identical amendment be submitted to them. This identical amendment without the change of a word was the amendment that Governor Brewster conducted his campaign on all up and down this State, through every county and almost into every single town in this State—conducted a campaign against powerful opposition, in some cases against the entire machine which was working against him, and the result shows that the people endorsed his position on this outstanding issue. I say that we as Senators of the State of Maine should heed this call of the people and submit this amendment to be voted upon as required by this resolution.

(At this point ex-Governor Milliken was escorted to a seat at the right of the President.)

Mr. WADSWORTH of Kennebec: Mr. President, as this Resolve has to do with sectarian institutions I wish to read to you a few things bearing upon one sect in which I am interested and which would be affected by the passage of this Resolve.

The address from which I will read was delivered by Dr. David Gregg, a Presbyterian who was from 1889 to 1904 pastor of Lafayette Avenue Presbyterian Church in Brooklyn, New York, and since 1904 President of the Western Theological Seminary in Pittsburg, Pennsylvania, to the time of his death in 1919.

"The Quakers, when seen at their best, stand in American history for ideal civilization; and this civilization is their contribution to the American Republic. As historic characters the Quakers are a marked and influential people in the midst of the most marked and influential types of mankind. They have put their stamp indelibly on national and international life. The jails of humanity show the results of their reform; it was they who changed our prisons from sties to sanatoriums. The dream of that beautiful prison angel, Elizabeth Fry, is being worked out into reality in criminal law, and the remedial element in punishment is being pushed to the forefront in the administration of justice.

The Quakers arose in an age of dogmas and creeds and persecutions and reforms and religious revolutions and quarreling ecclesiastics. They

took their place among the ranks of reformers and were the most advanced of all. They were the liberals and radicals of that age; they were the reformers of the reformed. They denied all ecclesiastical rites; they went to God directly for their instructions, and worshipped before God in stillness and silence without prescribed forms. As the complement of a state without a king, they offered mankind a church without a bishop. Their aim was to humanize Christianity and substitute a Gospel of hope for a Gospel of despair. Sweeping aside creeds and councils and rituals and synods, they held that God and the individual man, living in loving fellowship, were sufficient. They simplified things in a wholesome way and struck for an all-round liberty. This was Americanism before its day; this was Americanism out-Americanized. They were a people of great moral purpose.

Their ideals were their inspiration, and the realization of these ideals was their goal. They got their strength from ideals and convictions and visions of which the senses take no cognizance. James Freeman Clarke calls them the "English Mystics." If they were mystics, they were exceeding practical mystics. They were one of the most independent people among all the races. They differed from all the sects around them in that they renounced the use of all force in the propagation of their principles. They inculcated and practiced religious toleration. They have the honor of being one of the few divisions of Christendom against which the charges of cruelty and selfishness and love of power cannot be brought. Their gun was a protest, their bullet a principle, and their power the inner light.

When violence was used against them their principle of action was never to retaliate. Their method of growth was by patience and perseverance and quiet suffering, and their method was effective. For example, they carried their religion in the Massachusetts colony and planted it right in the midst of the hard headed Puritans. The Puritans persecuted them, whipped them, robbed them, hung them, but they kept right on asserting themselves and suffering until, by their patience, they wore out the cruelty of the Puritans and brought the Puritan scourge and scaffold into public disgrace. The

public, won over to them by their beautiful spirit, rose and demanded the cessation of persecution. Thus they purchased and established for us by their sufferings the religious toleration which now exists in our Republic. They served America by patiently suffering. Their martyrdom was like the martyrdom of the church of the catacombs, of which history tells us in thrilling words. The church of the catacombs was the kingdom of God in sackcloth, working underground, along channels and galleries of rock, to overthrow and replace the armed empires above. The Quakers were content to be in the minority on every great question until by self assertion and honest argument and right living they could win men enough to their side to make them the majority.

The principles of George Fox came to America not only in the person of George Fox himself; they came also in the persons of his many followers, who settled in all the colonies, but notably in Massachusetts and Rhode Island and Pennsylvania. In most of the colonies they had patiently to work their way into recognition. This was especially so in Massachusetts. The first thing which met the Quakers there was persecution, and that from the holy Puritans. This is one of the stains which rest on the memory of the Puritans. It is vain to try to excuse it, for it cannot be excused; it can only be admitted and apologized for.

The territory of Pennsylvania was given to William Penn by Charles II. in lieu of money owed his father by the crown. The land was his to do with as he wished and he devoted it to working into life a Quaker commonwealth. There was no man better fitted to establish such a commonwealth than William Penn. He had paid a large price for the privilege of being a Quaker, and this made him a man to be trusted. He sacrificed the friendship of his home. He had ability; he was educated at Oxford. He was Democratic. He was a kindred spirit to John Bright, the Quaker statesman of Great Britain, who for a whole generation was a leading spirit in the great movements of his country. He gave Pennsylvania a constitution and laws full of the genius of humanity, and full of equal justice. He allowed all reforms to be pushed within his territory. There was not one good Quaker

thing which did not flourish in it. Here the Indians were treated as brothers and here they acted brotherly in return. The colony was a temperance colony; it was an anti-war colony; it was a colony noted for its religious tolerance.

The liberty of thoughts granted by this colony bore its products and brought the colony honor. It enabled it to grow into what it is today, the second state in the Union.

The part which the Quakers have taken in building the American Republic makes clear this two-fold way in which patriots can effectively serve their country.

1. By uttering an emphatic protest against all destructive evils.

History can ask no grander illustration of the power of protest than Quaker life on American soil. Why is it that there is no African slavery today within our borders? It is because the Quakers as early as 1688 issued their protest against African slavery, and kept it issued until the nation was educated up to the emancipation proclamation. But mark this: They invested their all in their protest. They meant it, and they made the American people feel that they meant it. Their protest was strong with the moral strength of a splendid personality and a consistent life; its power was moral.

2. By keeping before one's country uplifting and inspiring ideas.

We call guns, swords, powder, forts, iron-clads and armies national powers; the Quakers have taught us that there are powers beyond these. The powers beyond these are right thoughts, high ideals, holy visions, righteous principles, burning aspirations. These make a strong manhood and womanhood, make a strong, pure state."

Gentlemen, I am a Quaker. I am one of the board of managers of a small Quaker institution on the banks of the Kennebec a few miles above this city.

These principles of Quakerism and Americanism have been taught there for seventy-five years. The Legislature has at times granted State aid to this institution and this aid has been economically administered to the advantage of the youth of our State. You ask us to amend our constitution so that aid to this and a few other like institutions will be barred forever.

Legislatures reach out with one hand and tax our people, and with the other make meagre appropriations to departments, charities and institutions under State control, and also to

some private hospitals and academies.

Gentlemen, you propose to bind the hands of our State forever so that in no case, however urgent, can any Legislature grant any small sum to any sectarian academy to preserve its life.

Gentlemen, I do not believe this is necessary. Our public schools are amply and adequately safeguarded by our constitution as it stands today. Past Legislatures have acted wisely in granting aid in cases of emergency, and I will trust future Legislatures to use their power in a just and equitable manner.

Gentlemen, I here protest and shall with my vote protest, against the passage of this measure.

Mr. HINCKLEY of Cumberland: Mr. President, Members of the Senate,—I wish to take for my subject this morning, in discussing this resolve, the evolution of the Barwise resolve and its effect upon our Christian civilization in the State of Maine.

Four years ago a bill was introduced in the House of Representatives, while I was a member of that body, known as the Barwise will. That bill provided in substance that the old New England Puritan Sabbath would become a thing of the past and in its stead would come sports and games. Many of the clergymen of the State of Maine, and many of the God fearing and fair-minded and thinking people of the State of Maine who had grown up and learned to cherish and love this old institution known as the Sabbath, flooded us with telegrams, telephone messages and letters, personal communications, to kill the Barwise bill; and the old New England Sabbath has been continued.

Two years ago a resolve was introduced in the House of Representatives known as the Barwise resolve, and again from different parts of the State of Maine clergymen, God fearing people, and others, flooded us with telegrams, letters and other communications to support the Barwise bill. This bill, in effect, gentlemen, said that no money from the State or any subdivision thereof should after a certain time be devoted to any charitable, sectarian, or other corporation, or for any private purposes. It meant, gentlemen, as you all know, that no money could be granted by the Legislature as it had at every session since becoming a State to private institutions doing works of charity within our borders. It meant, if it became a law, gentlemen, that institutions such as the Children's Hospital in the

State, an institution that goes into every corner of the State of Maine and picks up little boys and girls with club feet and curved backs, and takes them into that institution and makes them whole so that they can go out into the world and compete with other boys and girls born under different circumstances—would close its doors and that these boys and girls born under these conditions would continue in the future as in the past to go through the world with the same handicap as my dear old friend, a former member of this Senate, Colonel Sprague, has borne during his lifetime. It meant, gentlemen, that not a dollar of State money could ever be given to any hospital that is caring for the indigent of the State. It meant that not a dollar could be contributed to those organizations and institutions that are going out into the highways and byways and picking up little boys and girls without fathers and mothers, and without friends, and taking them in, and feeding and clothing them, and giving them a chance in the world. And I want to say to you, gentlemen, that I cannot conceive of a red-blooded man denying aid to an institution that cares for these little ones, and I cannot conceive of it making any difference to you whether the institution is under the supervision of a Jew, a Gentile, a Catholic or a Protestant.

That bill was defeated. This year another Barwise resolve is before us and that limits the proposition to schools. It has narrowed down. Evolution has brought it to this pass. And the distinguished gentleman from Penobscot county has told you the reason for it is because we want, according to the rules and laws laid down by our fathers, absolute and complete separation of church and state—a statement as vague as that meaningless phrase that has been kicked about the State of Maine for the past twelve years, "the inherent right of the people in its water powers." It does not mean anything. It is a generality.

The forefathers knew what separation of church and state meant. Either many of those who are discussing this question have no conception, Mr. President and gentlemen, of what separation of church and state means, or else many of them have been grossly misrepresenting the facts to the people of the State of Maine.

My distinguished colleague from Penobscot tells us that we should follow the governor in this matter. The gov-

ernor of the State of Maine proclaimed from a hundred platforms during the last campaign that he stood squarely upon the Republican platform. This resolve is not in accordance with the Republican platform, and the gentleman from Penobscot knows it; the governor of the State of Maine knows it, and every member of this Senate knows it. Why not stand upon the platform? If this Senate believes that aid should not be given to these educational institutions in accordance with the Republican platform, I challenge you to stand here and vote with me in accordance with the Republican platform. You won't do it. You don't dare to do it. That is the Republican platform. It will be referred to later. The separation of church and state—those God fearing men and women who protested not to the Roman Catholic church but to the established Church of England, under James I and Charles I—and who crossed the Channel and then came over to this country to establish a religious freedom, knew what the separation of church and state meant. Those men who founded the great Commonwealth of Massachusetts knew what separation of church and state meant. Those great men who founded the State of Maine at the time of its separation knew what separation of church and state meant. Those men who had much of God and little of politics, in contradistinction to those men of today who have little of God and much politics, knew what they were talking about.

In the separation of church and state in those days, Mr. President, it was not a crime to teach religion in our public schools. In those days it was popular to teach religion in our public and in our private schools. Would to God the clock could be turned back and we could put more religion into our colleges and academies, and then the morals of our State of Maine would be much higher than they are now!

Separation of Church and State! Let me read you the words written into the Constitution of the State of Maine in regard to this very matter that shows what our forefathers thought the separation of church and state meant. This is Article VIII of the Constitution: "A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important

object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage, and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State; provided, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof."

Listen! "And it shall be their duty to encourage and suitably endow all colleges, academies and seminaries"—and then they say, "Let us stand by the fathers who were in favor of a separation of church and state." I stand by the fathers on this proposition.

What further did they do? The unsettled portions of the District of Maine were commonly referred to as the Eastern Lands. In order to encourage the settlement of these Eastern Lands, the General Court of Massachusetts, by a resolve approved July 9, 1784, directed the head of the sale of Eastern Lands in the conveyance of each township to appropriate 200 acres for the use of what? For the use of the ministry. They were not afraid of religion. Two hundred acres for the first settled minister. Separation of church and state, as advocated by men today—think of it! 280 acres for the use of the grammar schools, and 200 acres for future distribution by the General Court. Approved March 26, 1888. The provisions of the previous resolves were modified as to require a reservation in every township six miles square thereafter conveyed of four lots of 320 acres each, one for the first settled minister, one for the use of the ministry, one for the use of schools and one for the future appropriation of the General Court.

This resolve continued in force until the separation of Maine from the parent state when its provisions except the reservation of a lot for fu-

ture appropriation, were stated in the articles of separation and became applicable only to grants and sales of lands made by Massachusetts and Maine.

Now what has happened? Since that time the State of Maine has granted a total amount of money to colleges and higher educational institutions amounting to \$5,553,862.70. Under that provision of law Massachusetts granted to these institutions, under this policy of separation of church and state, which was understood by them and with which they never played politics, 478,508 acres of land. And the State of Maine since that time has granted to them 488,239½ acres of land, making a grand total of 966,747½ acres—nearly a million acres of land given to our educational institutions. And during the past two years 43 Protestant academies in the State of Maine received, in 1923, \$75,000; two Catholic academies received \$4,000. In 1924, 43 Protestant academies received \$84,250, and two Catholic academies received \$7,000. The only question there is before us today is this: Shall we put the knife into two small Catholic academies and ruin 43 Protestant academies, just for the purpose of getting at the Catholic Church of the State of Maine? There is no other issue before the people. You can talk as you wish. Mr. President and gentlemen; Would there ever have been an issue like that in the State of Maine if all these academies and colleges and seminaries had remained Baptist and Methodist and Congregationalist? You know there never would have been, and we might as well be fair and honest with ourselves. If there is any member of this Senate, and I hope there is no one who desires to play politics in this matter and thinks it may interfere with his political success in the future, I hope he will be big enough, brave enough, broad enough and fair enough to stand up squarely and be counted where his conscience leads him. This is the last opportunity I will ever have to speak from this Senate on this question, and I am speaking seriously. It means much to you. Take away aid from these institutions—every institution of higher learning, except the University of Maine, founded in the early days of this State was a religious institution. The great Baptist Church, of which

I am proud to be connected, established Colby College, Hebron Academy, Higgins Classical Institute, Coburn Classical Institute, Ricker Classical Institute, the greatest educational system ever conceived and brought into being by the mind of man—religious institutions! The great Congregational Church established Bowdoin College, of which the country is proud. The great Free Baptist denomination established Bates College and Maine Central Institute. The Quakers, of which our distinguished colleague is proud to be a member, and we are proud of him as such, established Oak Grove Seminary. The Methodist Church, the Church of John Wesley, established East Maine Conference Seminary and Kent's Hill, and the Universalist Church established Westbrook Seminary. Religious institutions, all of them.

Since when has it become a crime to teach the Word of God in higher educational institutions? And since when shall the State of Maine take a position that would penalize any institution from doing it? Gentlemen, from the time George Washington first took his oath of office down to the present time, no person has held office under this government or State unless he has first sworn before Almighty God to perform his duties. Take religion out of our institutions, take religion out of those schools where our boys are in the formative period and where their ideas for future life are confirmed? I say, no, encourage them in religion as they have been encouraged in the past.

We are talking about booming Maine. Can we boom Maine by creating more dissension among our people? Down in the St. Croix valley, where I lived as a boy, an old Catholic priest by the name of Father Doyle, and an old Baptist minister by the name of Pastor McDonald, hobnobbed together, worked among the poor together, saved souls together, and, when Pastor McDonald died, Father Doyle went into the belfry and tolled the bell during the funeral hour. What a beautiful example of living together and working together in the name of the Master! These two men, Baptist and Catholic, who like the other great Protestant denominations believe in the redemption of mankind through

the great atonement, worked as friends, worshipped as friends, saved souls as friends. In my last words on this floor on this question, I want to appeal to the citizens of the State of Maine to remove their masks, to come into the bright sunlight of God, to stop singing the song of hate and sing the song of love. Tear down your klaverns and fill your churches, and then the God of love who has led his people through all these ages will continue to lead us into green pastures and beside the still waters, and then old Father Doyle, now at the right hand of God, who climbed into the belfry of his old church tower and with his own hands tolled out the minutes while the last words were being said over the remains of my old Baptist pastor—will know that his labor was not in vain. (Applause.)

Mr. BARWISE: Mr. President, I dislike very much to disturb the effect of this evangelistic sermon that we have just listened to, but I would like to correct the record so that there may be no misunderstanding. There are not 43 Protestant academies in Maine; there are only ten Protestant academies in the State of Maine which receive money or ever have received money from the treasury of the State. The other academies are non-religious, non-sectarian, I should say. That is, they have no affiliation or connection with any religious church or denomination.

Mr. HINCKLEY: Mr. President, during the past two years the State of Maine has granted aid through its legislature to Anson Academy, Aroostook Central Institute, Berwick Academy, Bridgton Academy, Bridgewater Classical Institute, Calais Academy, Cherryfield Academy, Coburn Classical Institute, Corinna Union Academy, East Corinth Academy, East Maine Conference Seminary, Erskine Academy, Foxcroft Academy, Freedom Academy, Fryeburg Academy, George Stevens-Bluehill Academy, Gould Academy, Hampden Academy, Hartland Academy, Higgins Classical Institute, Leavitt Institute, Lee Normal Academy, Limington Academy, Limerick Academy, Lincoln Academy, Litchfield Academy, Maine Central Institute, Mattawanacook Academy, Monson Academy, Monmouth Academy, Nasson Institute, North Yarmouth Academy, Oak Grove Semi-

nary, Patten Academy, Springfield Academy, Ricker Classical Institute, Somerset Academy, Springfield Normal School, Traipp Academy, Washington Academy, Wilton Academy and Wiscasset Academy. I know not from how many of these institutions God has been removed. I am not ashamed of my so-called evangelistic sermon. I do wish that more of the politicians in the State of Maine would preach evangelism and less political tommyrot. I wish that more of the politicians of the State would stand by the Sabbath and what it means, not try to tear it down.

Mr. BARWISE: Mr. President —

The PRESIDENT: Does the Senate desire to give unanimous consent for the Senator from Penobscot, Senator Barwise, to again speak upon this subject? No objection being made, the Chair recognizes Senator Barwise.

Mr. BARWISE: Mr. President, I merely want to reiterate the fact as a member of the educational committee of the legislature for the last three sessions, and having all these matters before our committee, on the question of the rights of all these schools, in many cases we asked them definitely as to whether they were completely non-sectarian or not, and there was only ten out of the list that said they were in any way sectarian.

Mr. ANTHOLNE of Cumberland: Mr. President, I do not propose to occupy very much of the time of this body. There are, however, one or more phases of this issue in which I am keenly interested. First and foremost, in the relation of the party platform to this issue. Yesterday morning in the Hall of Representatives I listened with much interest to the speech of the able floor leader of that body on the Republican side, the gentleman from Auburn, Mr. Wing, and I want to quote to you from that speech which he delivered there.

"The Governor of Maine, when he addressed this Legislature, called attention to the demands of party. He called attention to the requirements of party platforms. He called the attention of this Legislature to the necessity of paying some attention to the platforms upon which they were elected. He said: "Anglo-Saxon traditions call for compromise in order to progress, and these party platforms constitute a contract by whose obligations we are bound unless

prior to the election we have manifested our dissent. These platforms may seem meager in their directions on the pressing problems of our day but it is only by a sincere endeavor to interpret them in our acts that we can restore party government to the place of first importance it long occupied in our governmental life. This is the contribution, which we are privileged to make to the stabilization of conditions in our national life today."

So, I hear the call of party in this. I have heard a very distinguished Senator from Cumberland argue before a Committee, of which I have the honor to be a member, that party government was falling down, was breaking away, that there was no responsibility to the people; as a result thereof, because of the direct primary law, that we were proceeding by choice of men and not by choice of principle.

Now, I do not believe in a government of men. I believe in a government of law. I believe that law results from principle and not from the whim and caprice of men, and it is only by principle on this side and a proposition on the other that we can form any intelligent judgment, and principle can only come to the minds of the people but by party."

Now Mr. President, I subscribe to everything that the distinguished floor leader of the Republican party said in the House on that occasion; but as to his interpretation of that Republican platform, I dissent with his view absolutely. I regret very much that I am obliged to dissent from the interpretation of that platform made by our distinguished Governor, for whom I have a very high regard, a man whose mental and personal qualifications are of the highest. I regret that I cannot accept the interpretation of that platform that he makes.

I will read to you the platform upon which we Republicans, thirty members of this Senate were elected: "While we recognize and commend the public service rendered by the numerous private institutions of learning within the State, we believe public funds devoted to education should be expended in support of the public schools to the exclusion of private institutions of learning except such as are the sole instrumentalities of furnishing high school education within the localities they serve and which are wholly under the supervision of the Commissioner

of Education; and as to those we recommend such legislation as may be necessary to restrict the aid which they receive to such as is fair and equitable and measured by their actual requirements."

Does that say one word about religion or sectarian issues there? Or is there any mention made of the sectarian or religious character of the institution. It is an economic problem of the Republican party to render aid to those institutions based on the service which they render—an economic question solely, and absolutely at variance with the provisions of the Barwise resolve.

There is one resolve and one only of these educational resolves before this legislature which corresponds in any manner to the requirements of the Republican platform, and that is a resolve which was introduced by the gentleman from Pittsfield, Mr. Stitham.

While I personally believe that this matter could better be handled by some Act of the legislature rather than by a constitutional amendment, I should be willing to accept and submit to the people the resolve of the gentleman from Pittsfield because it does correspond with the Republican platform as to what we pledged ourselves to do, and to that platform upon which every one of us was elected. During the entire campaign from the time of the nomination of Governor Brewster to the time of his election there was not a man in this State,—there was not a member of this Senate,—who said other than that he stood squarely on the Republican platform, and as my distinguished colleague from Cumberland, Senator Hinckley, said, you cannot pass the Barwise resolve under that Republican platform.

Mr. President and Senators, this is no new issue in America; it is an issue that has been raised many times before. The Senator from Penobscot, Senator Barwise, speaks of the framing of the constitution of the United States, and the members of the convention which framed that constitution and the members of the conventions which ratified it, stating that they endeavored to separate church and state. I say to you, Gentlemen, they did not do any such thing. I think I am as familiar with the history and the theory of that constitution and of the steps that were taken to enact it as is the Senator from Penobscot, and I say that

they never attempted separation of church and state in the manner and in the method such as he has described to you. What they were solicitous of, and what they wanted, was to enable any man in this country to seek and obtain public office irrespective of his religious preferences. They were opposed to the imposition of any religious test and to any separation in the manner that the Senator from Penobscot has explained it to you.

In the Massachusetts convention which met in 1788 to determine whether or not this new federal constitution should be ratified by the state of Massachusetts there were those who urged in opposition, that no religious test had been imposed, and as they said, Catholics and other infidels were enabled to solicit and to seek and obtain public office. In answer to that a sturdy old Puritan Divine, a member of the convention, came forward with these words which I commend to the attention of our present-day Divines in the state of Maine: "Religion," said the Rev. Isaac Bookes, "is ever an affair between God and the individual, and religious tests have proved the greatest engines of tyranny and oppression known to man." That was the thought of a worthy old Puritan Divine, and his thought carried the convention of Massachusetts. We heard no more talk of religious tests or racial or religious questions in Massachusetts until about five years ago when this wave of hysteria spread over America.

Mr. President and Senators, I deplore and deplore the attempt to determine the financial policy of our state with reference to appropriations for schools on religious and sectarian grounds. The financial policy of this state, as distinguished from the educational policy, should be determined on, and governed wholly by economic principles. I am deeply depressed by this wave of religious intolerance that has swept over this state? In my opinion each party is equally blameworthy for this result. That lofty spirit of patriotic self-sacrifice in the interest of our common country—that spirit that burned so brightly in 1917 and 1918—where is it today? I trust you will pardon me for this personal allusion, but it was my great good fortune to serve in the army of the United States at the front during the entire Meuse-Argonne campaign, during

every day of that great battle, the greatest of all during the war. In my regiment there were men of all religions. There were in that regiment Jews, there were Catholics, there were Protestants; there were men of divers lines of racial descent, but they were all Americans. There were in that regiment boys whose grandfathers fought at Gettysburg, and whose great-great grandfathers fought at Bunker Hill; there were boys who had only recently come to this country from Italy, from Greece, and from other countries of the Old World. Gentlemen, those boys whose great-great grandfathers fought at Bunker Hill served side by side and shoulder to shoulder with those boys whose fathers had served an Italian King, but both then in the defense of their common country. There was at that time no thought of race or religion; they were Americans, one and all, only Americans.

Mr. President and Members of this Senate, let this thought sink deep into your minds. The shell from the German battery recognized no distinction of race or creed, and we who passed through that fierce white flame of battle can recognize no such distinction. To do so would be an insult to the memory of our hundred thousand war dead. The great war poet in his poem "In Flanders Fields" in wondrous words, in words which will live forever expressed the thought of mankind.

"If ye break faith with us who die
We shall not sleep.

Though poppies grow
In Flanders Fields."

Gentlemen, any attempt to determine any issue in America at any time or any place on racial or religious grounds is a breach of faith with those men who died in this greatest of all struggles, that the very peoples of this world might retain their right to live in peace and security.

There is only one principle on which all matters of legislation should be treated in this country. That is on the principle set forth by the founder of this great republic 138 years ago. That principle is as real and as vital to the needs of this country as it was when he, the supreme American of all time, urged it upon his fellow countrymen. Let us in America unswerved by fear or by favor "raise," as he said, "a standard to which the wise and the honest can repair." Tested by any such test, these religious and racial

issues pass into the oblivion to which he would have consigned them. (Applause.)

Mr. SMITH of Somerset: Mr. President, from a layman's point of view I would like to discuss this subject for a moment only. As has been stated, two years ago many proclaimed the danger of our public institutions failing because of that anticipated aid, when privately owned institutions would flourish under State aid, and at that time it was proposed to amend the Constitution and thereby prevent both hospitals and sectarian schools from forever receiving State aid.

The proponents of this measure, evidently less fearful of immediate danger to our public institutions, offer a compromise, a proposition that would continue giving to hospitals and infirmaries State aid, but would close the doors to sectarian schools. Now then, what is the real reason for this change and for this issue? Why this call, this demand for a change in our constitution, for a change in our form of government? Is it because a single privately owned institution is not doing immeasurable good in the section that it is serving? Is it because a single dollar of the State's money has been misused or misappropriated by those institutions? If so, not a single, solitary human being has suggested when and where. If then past Legislatures have not impaired the functioning of our public institutions, if they have appropriated money only to worthy and deserving privately controlled institutions, through what stretch of imagination do we conclude that future Legislatures will not be blessed with the same spirit of fairness, the same degree of intelligence? In other words, what wisdom does this body possess that other Legislatures who may have the audacity to come here after our labors are ended—that we must direct their destinies and control their deliberations?

To me, selfishness is the outstanding feature of this controversy. Members having hospitals are asking for favoritism. Those interested in academies are asking for exemptions for their institutions; and so down through the line, each member striving to protect his own institution regardless of what may happen to the other fellow's institution. It has been suggested a million times in the corridors of this capitol, of this building,

during the past two or three weeks, by the proponents of this measure, that if it is adopted it will take it out of politics. Ah, my friends, be not deceived by this pleasing political sophistry. Pass this amendment and you encourage and invite every man desiring a political issue to call for amendments and amendments until the last institution in our State is included in somebody's amendment.

Why then not meet the issue squarely, honorably, by placing it on a dignified, impartial, non-sectarian basis, broad enough in its terms to include all institutions alike. In this manner and no other will I consider a reference of this question to the people. In taking this position, this attitude, I cherish just as fervently the memories of those sacrifices that gave to this nation her public schools and religious freedom as does any member in this Legislature. In fact, I yield to no man in the defense of those ideals that preserve and perpetuate our American institutions and those inalienable rights of American citizens without which the fathers would have founded and builded in vain.

Mr. President, I wish to again state that I am opposed to this makeshift, this compromise, but stand ready to support an amendment that is broad enough in its terms to use all alike. (Applause.)

Mr. MAHER of Kennebec: Mr. President, the subject and the occasion would seem to conspire to impel me to inflict a few minutes upon you, and it also illustrates, coming at this particular juncture, what particular mental agility any one may possess to compass anything at all that is appropriate to the subject and which has not been covered most effectively and most clearly.

But there are one or two thoughts in my mind that are quite germane to the particular subject and which have neither been alluded to by any of the gentlemen appearing in opposition to the amendment nor by the sponsor therefor.

I conceive that the object of forensic speaking is three-fold: to conciliate, to convince and to persuade. I apprehend that it is absolutely unnecessary to consider for an instant the possibility of conciliation because I am entirely satisfied that every gentleman in

this chamber approaches the consideration of this question, as of every other, with that same fair spirit and with that same candor, and with that same right to his judgment and opinion that he would concede to me. I am entirely satisfied that the conciliatory side of forensic speaking may be dismissed.

With reference to the proposition of convincing and persuading, that is entirely dependent upon how similar arguments strike different minds. We are discussing here a proposition of the amendment of the constitution, and I presume it would not be far afield to say that it was part of a general program, we would so infer from the discussion, that could be compassed under the broad generic term of Americanism. I like to turn to the fountain head because no stream can be purer than its source, and I would like to turn for a text, if you will, to a man whose patriotism knew no per centage or price, to a man whose Americanism cannot be challenged, because, like another prophet, he led the tribes of the west through the red sea of revolution and into sight, we had hoped, of the promised land. And so for a moment let us see what happened sometime in September, the 17th I believe, 1796, what the first, the greatest, the truest American had to say that is suggestive of a text. In his farewell address he remarked: "Towards the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the constitution alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown."

An applicable test! An applicable thought! We gather here today pursuant to the constitution of the State of Maine, and differing in our own proper right in no regard from the persons who are just outside the seats, or from the man in the street—in our own proper regard differing not a whit. We are here simply by virtue and acting today under that constitution. And the constitution, I apprehend, is as important in one

particular as it is in another; and when we vote today we are voting by virtue of a provision which says nothing about party platforms, nothing about economic matters, nothing about the particular urge which happens to be the phobia of the moment. I presume these things are all included when it says that when two-thirds of both branches of the legislative division of government deem it necessary they shall propose an amendment to the Constitution—the fight—when they deem it necessary they may propose an amendment.

The ordinary definition, and the first of amendment is a change for the better. Whether there is a change for the better and there is a necessity? We have heard the arguments advanced and, if I get them right, they are classified very similarly, and to the statement of them, and I mean to be fair—if at any time I do seem to show a little more force than the particular subject matter under consideration would merit, I know that you will pardon me and charge it up to a fault of the heart and not of the head for whatever I shall not intend.

If I catch the arguments of necessity, they are as follows: First, political expediency. That would be an argument which we would hear gentlemen with their nicotine discuss in the coat rooms or in the corridors or in the foyer of the hotel, and it would largely take something of this thought: I don't believe there is any need of this thing at all; it is all poppycock. But let us get rid of it. Let us get the thing out of politics. For heaven's sake let us not have another campaign with this. The governor was very strong for this. The people were strong for him in the primary, and we did come through wonderfully in September, and I don't know how the thing started, but here it is and let us get rid of it. That would appeal perhaps to the casual individual, but I know it would appeal to no senator. I know that that will appeal to no man who is sitting here who upon the opening day of the session held up his hand and said, I, John Jones, do solemnly swear to support and uphold the Constitution of the State of Maine. No man will say that political expediency, getting a matter out of the way or working along the lines of least resistance—that he can be acting in accordance with that constitutional oath he took when he says in his heart of hearts, "I don't believe

it is necessary at all," and yet with the worst of mental reservations says "I will vote for it in order that we may not be troubled again." No, I am quite sure that when we come to a vote on this matter, with every man sitting here who is of necessity stamped as worthy to be here as a senator of one of the counties of this State, every man will vote as his sober judgment dictates and as his conscience solemnly advises, because the conjunction of judgment and conscience produce the decision as to the necessity. Political expediency we will not touch upon any more!

What is the second? I have heard it adverted to repeatedly. This year, in this chamber, today, I have heard it adverted to. Two years ago I heard it adverted to—that thirty-three states of this Federal Union have adopted it, ergo, why not we? Well, now do you know that is an attractive argument, but like all arguments, its force and value depends primarily upon whether it is true. And the lawyers in this body will hear me out that it is never entirely safe to take a citation even from a supporter, and certainly not from one who differs from you, without examining the source.

Now at considerable inconvenience I have been to the trouble of examining the sources, and I have read the constitutional provision of every state in this Union, and when I finished I didn't understand how the statement ever happened to have been made, and then it occurred to me that a reverend gentleman made a statement similar to that in the Massachusetts Constitutional Convention held at or about 1920, and I looked that up and I found where the authority came for the statement, because everybody who has been talking about thirty-three states has quoted literally the error the reverend gentleman made in the Massachusetts Convention. The Senator from Penobscot this morning adverted in a general way to the proposition of thirty-three states. He then cited three, Illinois, New York and New Hampshire. He is right. I will challenge him or any other man to name thirty-three states that have this amendment. It cannot be done.

There have been three ways of approaching this question in America. One, such as we propose here today, a straight, head-on, anti-sectarian amendment. And I will tell you how many States have adopted this course

of conduct. There are seventeen, not thirty-three.

There is a second course, and that is the comprehensive one, no sectarian and no private, so that it gives no offence to any man, to any class, or to any creed. Quite a different proposition, entirely different, and I may be pardoned here for adverting to it. In the State of Maine we have been treated to the argument, from two years ago down almost to now, that our sister State—pardon the bull, the mother commonwealth of Massachusetts, — adopted, note the words, “adopted a similar amendment,” and a reference to the broad-minded liberality of a certain group of gentlemen in the State of Massachusetts. I have no particular comments to make with reference to some of them. As a citation—it cannot offend any of them nor do any harm if they are mentioned casually, and I mention with nothing but respect the citation of authority of the former Junior Senator from Massachusetts, the Hon. David I. Walsh, who was cited as being in favor of this amendment. The other outstanding authority was the President of the Hendricks Club. I do not know how many of you gentlemen have ever lived in Massachusetts; I do not know how many of you have ever lived in the metropolis of Massachusetts; I do not know how many of you have ever lived in the west end of the metropolis of Massachusetts; but I have. I lived there for four years, and it is the first time that I have ever heard Martin Lomasney cited as an authority or precedent for forward-looking, liberalizing, uplifting, highbrow legislation. (Laughter.)

But it is wrong, it is wrong to malign the absent Martin. I would not dare do it, Mr. President, if he were present. As was spoken by a former Executive with reference to a former Solon, talking of bitter tongues, Martin is some debater. But he is not here, so it is perfectly safe. But neither Martin, nor Senator Walsh, nor Billy Sullivan, ever supported an amendment like that in the world, and the Commonwealth of Massachusetts never supported or endorsed or approved of an amendment like that. What they adopted in Massachusetts is under the second group, and I won't talk aside from the question because I realize that the so-termed—it is an error in nomenclature—the so-termed Maher

amendment—I do not like the term it is not, it is the Massachusetts amendment—I know it is not under discussion and so my remarks are not applicable to that. Massachusetts adopted the second method of private, comprehensive, including the word sectarian, including anything that was not state owned and state controlled.

There is a third method. There are only sixteen states that took that method and we have forty-eight states in the Union as I understand it. Seventeen and sixteen come pretty near being thirty-three. Now there are fifteen other states that are similar to Maine in method, and that is public control. I am not going to weary you with discussion of Article VIII. But Article VIII of the constitution of the State of Maine means something and it won't do any harm to have just your attention called to it for one second, to one phase of it. “No donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established or which may hereafter be established, unless at the time of making such endowment the Legislature of the State of Maine shall have the right to grant any further powers to alter, limit or restrain any of the powers vested in any such literary institution as shall be judged necessary.” There is not an institution, a private institution, incorporated under the laws of the State of Maine, that comes here, that takes one penny, that it does not take it under that implied limitation. And if anybody would want to make it more emphatic, our last Governor gave us a precedent, if anybody thinks there is need of any safeguarding, that there is any danger of abuse, why doesn't he adopt the idea of the Baxter amendments with reference to corporations to handle power, and tack on a Barwise amendment with reference to limiting the institutional powers of the various institutions that are coming here and seeking aid? Your constitution gives you the power.

What is the history of this thing? How did it start? It is always well to get a genesis. In 1923, right out of a clear sky, certainly to me, and I claim to be as fairly well informed as the average—right out of clear sky, in the other room, in joint session we heard pronounced down here for the first time in public by anybody,

certainly, occupying as authoritative and important a position as a Chief Executive, a proposition of no public monies except for purely public purposes, to be expended through agencies publicly controlled. That was where this was born. Where do you suppose the Governor got the idea? I am not advertising to the present Executive. Governor Baxter made that suggestion two years ago and set the 82nd Legislature with a great task to see if they would measure up to the responsibility of this suggestion. Now the Governor borrowed his idea from the Massachusetts convention of 1920. That is where he got his idea.

There is not an original thing about any one of these amendments from start to finish. Talk about Baxter's or Brewster's or Barwise's! There is not an original line in any one of them, and the only difference between any of them is this, that mine is a literal copy, word for word, without the changing of a comma, or the crossing of a "t," or the dotting of an "i," except the limiting clause at the beginning and the substitution of the University of Maine for the Soldiers' Home. Mine is the absolute Massachusetts amendment, and any member of this body can take the Massachusetts amendment and my amendment and compare them, and they are fac-similes, and then he can take his pencil and take the Barwise amendment, so-called, and he can simply draw a bracket right through and omit five lines there, come down and omit five more lines, and he will find that it is word for word like the Massachusetts amendment emasculated. The gentlemen will pardon me for seeming irrelevant, but it suggests—and you remember that an amendment should be a change for the better—it suggests an appropriate anecdote. A young lad had returned from Sunday school, and his mother was solicitous as to whether or not he had actually been there. It was in the spring time and there was the lure of the brook, the call of the field and the charm of the out-doors. Mother said "Johnny, have you been to Sunday school?" "Yes, mother." Something made her doubt him. "Johnny, have you surely been to Sunday school?" "Yes, mother." "Did you see the Rev. so-and-so?" "Yes, mother." "Johnny, what was the text today?" "Oh, I don't remember what the text was." "Johnny,

what was the text?" "Why," he said, "It was funny; it sounded funny to me; Oh yes," he says "It was 'Cheer up, kid; you'll get the quilt.'" Mother said "What?" He says "Cheer up, kid; you'll get the quilt." "Now, Johnny, I know you haven't been to Sunday school," and she immediately called the pastor on the phone and said to him "Was Johnny at Sunday school today?" "Oh, yes." "Are you sure?" "Oh, yes; I talked with him." "Well," she said, "I asked him what the text was and he gave me the funniest answer, and so I didn't think he was there." The parson said "What did he say the text was?" and she said it was "Cheer up, kid; you'll get the quilt." "Well," the parson said, "he wasn't so very far wrong; the text was 'Be of good cheer, by son, for soon the comforter cometh.'" (Applause and laughter)

Now this is an amendment only in name. There is also a third argument. I have already touched upon the proposition of political expediency. I have touched upon the proposition of precedent, and there is still a third argument, and that is the argument of separation of church and state. I do not intend to weary you upon that point; it has been compassed and it has been covered. It occurs to me that they did not use the words exactly. Are they talking about separation of church and state, or the opposition of state to church? What have they got in their minds? Is it a genuine separation of church and state? If you mean separation in the sense that one shall go along the straight groove in its endeavor, and the other move along the line of its function we have it; we have it completely. If you mean opposition of church and state, if you mean that the golden warp of common life shall not have running through it the wondrous thread of religious life, you cannot have it.

The sanction for your being here is an oath; the sanction for the Chief Executive, and the sanction for every Senator being here is an oath. You don't need a two-thirds vote for this matter. I suggest to the Senator from Penobscot, Senator Barwise, if you want to start separating church from state I will tell you how to do it. We can do it very quickly this year. We have the opportunity. Turn to section 30 of chapter 126 of the Revised Statutes and read the following: "Whoever blasphemes the holy name of God by cursing, or

contumeliously reproaching God, His creation, government, final judgment of the world, Jesus Christ, the Holy Ghost or the Holy Scriptures as contained in the canonical books of the Old or New Testament, or by exposing them to contempt and ridicule, shall be punished by imprisonment for not more than two years, or by fine." That comes pretty near to being a comprehensive embracing of Christianity. God, the Father; God, the Son; and God, the Holy Ghost. Separation of church and state! Oh, that is a blue law; no, it is not. It was not very blue for Mr. Mockus. Have any of you ever heard of Mr. Mockus? He was a gentleman who went up into Oxford county and blasphemed God, the Father, and God, the Son, and God, the Holy Ghost, and a grand jury of those hard headed Papists up in Oxford county—the church got them all out—and I speak of "the church," got them all out, and they brought this matter to the attention of the grand jury and indicted him, and then a petit jury tried him and convicted him. He took an appeal and the case went to the Supreme Court on motion, and some of those Papist-controlled judges, for instance, our present Chief Justice Wilson, our then Chief Justice Cornish, then Justice Spear, the late Justice Hanson and Justice Philbrook sat and drew the opinion. I don't see many names there that we regard as other than distinctly American and pretty thoroughly committed to everything that is for the best interests of the state of Maine. Let us see what they say upon Page 93 of volume 120 of the Maine Reports, and this is a very recent case. In that case the Court said: "It is the farthest from our thought to claim superiority for any religious sect, society or denomination, or even to admit that there exists any distinct, avowed connection between Church and State in these United States or in any individual State, but as distinguished from the religions of Confucius, Gautama, Mohammed, or even Abram, it may be truly said that, by reason of the number, influence and station of its devotees within our territorial boundaries, the religion of Christ is the prevailing religion of this Country and of this State. Within the limits of an opinion it would not be expected that all the tenets of the Christian religion could be expounded, but we say that from the dawn of civilization the religion of the country is a most

important factor in determining its forms of government, and that stability of government in no small measure, depends upon the reverence and respect which a nation maintains towards its prevalent religion."

And they now ask the Senate of the State of Maine to send word to Mockus in Thomaston that there is going to be such complete separation of church and state, and that we are going to adopt a constitutional amendment to that effect. In that event, to be consistent, what becomes of your blasphemy statutes? What becomes of this poor fellow? He says "Why didn't you move a little earlier, and then I wouldn't have been found guilty because it must have been simply an unconstitutional charge." Put a statute in there with reference to supporting religion and supporting God, the Father, and God, the Son, and God, the Holy Ghost, and say that the youth of the state of Maine shall be inhibited and prohibited from getting one penny from the state if a school teaches the reverence for things that your legislature says if you don't have, you are guilty of crime. It is inconsistent! It is absurd!

There is another section of the statute here that may be interesting to some Senators on this phase of the question. "Whoever on the Lord's Day, or on any other day, behaves indecently within the walls of any house of worship, etc.,—on application of the presiding elder, officers or preachers in charge, or tent masters of a religious or temperance camp meeting in any town, the municipal officers thereof, etc.

Now here is my attitude on the proposition of church and state. I believe that the function of the church is to go right along the lines of spiritual things, and if any church attempts to reach over from the spiritual things into the domain of things political, then I say "Hands off; you are tampering with that which is my individual right." On the other hand, when the state attempts to reach over and brand any religion—and I care not what type it may be, I care not whether the intent of the law or the effect of the law is to cast reflection on the Cathedral or upon the camp-meeting, I am against it. I am for the statutes of the State; I am for that which lies at the basis of all law.

Well, they say there is a menace in another phase of this, and I am

trying to be perfectly clear and perfectly fair—they say that there is certainly a menace, that while we are now in the majority, yet there have been certain manifestations that indicate that the Catholics intend to make a raid on the treasury and we want to shut off a couple of schools. My friends, that is a matter of fable, and I prefer—if you will pardon me a poor pun—I prefer a table to a fable in this juncture.

I have caused to be prepared, and later you will get them on your desks—I didn't have them brought here now because I was afraid it would interfere with your attention. I have prepared tables which every senator will have, and they are authoritative. I got them from correct sources, the educational department, and I got them from the auditor's department. Very briefly you will see that under resolves the only institutions, the only Catholic institutions which have ever received a penny are St. Mary's in the St. John River region, and St. Joseph's, and they have received since 1901 by resolves of the Legislature the munificent sum of \$33,000. Now how much have the other institutions received? They have received \$596,615. Now I should think that you would be alarmed. That is not all of it. Those are State resolves. The academies, under a law which is going to be a very important part of this argument—you have not touched upon the real objections to this Barwise bill—under an Act passed in 1901 and amended in 1907, there is an academy fund created that the State superintendent of education has the right to allocate, to distribute to towns, to academies in towns according to certain standards. And those academies, very many of them, are doing the work of high schools, and the towns recognizing that, pay them for the work that they are doing.

Now under the Academy Act we find that there has been appropriated a total sum of \$497,084 since 1901 that added to your State resolves gives you \$1,093,699. On top of that the towns have paid \$152,276 last year, and if we would say that \$140,000 would be a fair average for the ten-year period then you would find as a grand total that the State of Maine, through the academy aid and through the towns and resolves has paid to these private institutions the sum of \$2,745,975. How much of that sum was wasted in

this raid on the treasury by Catholics? \$47,542. No don't be alarmed by this, but get me correctly. For the private academies by special resolves, by the academy aid and by the towns under contract there has been paid since 1901 of the public monies \$2,745,975. Since 1901 up to today there has been expended altogether in the Catholic schools of public money \$47,542. So much for the raid. There is nothing in that argument. That there is no danger in this argument is illustrated by the absolute argument ad hominem. You see the calibre of the gentleman who presented a resolve for these Catholic institutions. Away back in 1917. I think it was, the present chief executive of our State, then a senator from the county of Cumberland, and this was one of the first resolves in favor of a Catholic institution, and he at that time introduced a resolve for St. Joseph's in Portland. Now that gentleman wouldn't certainly have done anything that he considered opening the door to a menace, and we all know it. You might say he was not familiar with the situation then, but let us come down to date and let us come down to 1925, and in scanning over the measures introduced I find that the Roman Catholic Orphan Asylum of Bangor is seeking funds at the hands of this Legislature on a resolve which was introduced by the senator from Penobscot, Senator Barwise.

Now, my friends, if there is a menace in this matter, and if there is need of a constitutional amendment, why not stand up on our hind legs and say "No"? If there is any argument that can be advanced that would appeal to a lawyer it is this positive argument against this amendment. But there are plenty of positive arguments. The amendment is not a change for the better because it is unnecessary, because it is unwise and because it is unjust. I say it is unnecessary. Let every man stand up here and decide every one of these questions, from Nasson Institute to St. Mary's, on its merits, every one of them. They are all deserving. I make no criticisms or recommendations. I think they are properly given. I will vote for them if they have the proper reports from the committees. I will vote against them if the committee says nay. But I am not going to get enthusiastic over any proposition of a Catholic raid on the

treasury, when I scan this little thing that will be in the hands of every one of you, and find that under legislative resolves all through the years from 1901, the Catholic institutions have received only \$33,000, and then I take and see one, two, three, four, nine, twelve, fifteen, eighteen, twenty-four, thirty, thirty-six, forty-one, forty-seven—\$47,000 as against \$33,000—\$47,000 for one institution, that started business in 1913 and is doing a good business, Nasson Institute. It is doing good work. That is not a matter of logic and it is not a matter of trading. I take it that the Legislature recommended it as necessary. I will vote for it. But when you say there is a Catholic raid on the treasury, and we look that one institution over, and then jump up into Penobscot county and cast our eye on Lee Academy \$43,500, I am not constrained to the belief that there can be any raid by Catholics. If the facts were ever known the people would know who was raiding the treasury—I don't like the word! But if you use it tell the truth, the whole truth and nothing but the truth!

This argument of necessity, my friends, is not confined entirely to the proposition of your voting against these measures here. You have got that right. You are further limited by the Constitution with reference to the referendum. That has all been gone over—I do not think I have heard it today, but if any Legislature started to run riot and do thinks the people of the State of Maine did not want them to do, all anybody would have to do would be to get 10,000 signers, and that would stop any attempt of any Legislature to divert money to a parochial school. That would be the end of the proposition unless you are counting on something in the State of Maine that would approach the degree of disaster and overturn the balance of population, I mean the ratio between the creeds in this State.

The argument of necessity goes by the board. I say it is not wise, and I ask you to pardon me for a moment on this because I think this will disturb certain gentlemen. You remember that I told you a little anecdote from Aesop. I am not going to repeat it. I have got a habit—perhaps I occasionally talk too much, but I am a great believer in the idea of not having much lost motion, and any time I am talking for the Record, I try to say something that when I look back on it, is not going to both-

er me. That Aesop's fable had an application. I wish you men would take that Barwise resolve — you won't, but take my word for it and at your leisure do it,—it is S. D. 9, and I will show you right off some very valid legal objections to passing it.

In the first place it limits Article IV, part 3, of our present constitution absolutely. I do not know as you have intended it. I do not know as the Chief Executive ever contemplated it. Let us read Article IV, section 3. "The Legislature shall have full power to make and establish all reasonable laws and regulations for the defense and the benefit of the people of the State of Maine." No, no. Adopt the Barwise amendment and you have got to read right into that, all reasonable laws for the defense and benefit of the people of the State of Maine except you never can appropriate any money for such and such things.

Well, it affects Article VIII, as we all know. It affects Article VIII in a way I don't believe, and can't believe, that the gentlemen who borrowed it from Massachusetts ever contemplated it would. This is a proposition just the same as going out and borrowing a suit from your neighbor—it may fit you and it may not—the chances are about 887 to nothing that it won't. The conditions are different in different states, and that amendment which was adopted in Massachusetts was the result of careful deliberation by careful lawyers from every section of the Commonwealth of Massachusetts, with a different geographical make-up, with a different population distribution, with a different system of education. Now you come down here and use this in the State of Maine. Let us see what you do. In the first place aside from the Article that I have told you that you limit and change, you inject a new word into the constitution of Maine, and I would like to have somebody stand up here and define it. The only place in the constitution that we intend to put this is as follows:

Article VIII. "It shall be"—let me read—"It shall be their duty to require the several towns to make suitable provision at their own expense for the support and maintenance of public schools"—that is what the constitution of Maine says—public schools. You are not drawing a loose-leaf act, you are

drawing a constitutional amendment. The Barwise Resolve says, all moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the supporting of common schools—you immediately require an accurate interpretation. In our present constitution we know what is meant by public schools. You do not mean to use those words interchangeably. They are not synonymous. All the lawyers in this body will agree with me of course, that if they have an identical meaning that it is surplusage and absurd to use different words. The gentleman had some distinction in his mind. What was it? You have to have an accurate interpretation. Perhaps the gentleman will tell us just what the line of demarcation was in the use of legal phraseology there where he says public schools and common schools.

Another change may be stated. You make another here by this amendment. I ask the gentleman who differs with me to say whether or not I am arguing fairly. We will turn to the constitutional amendment known as 31, the initiative and referendum, which was adopted within very recent years. You are amending that, sir, by the adoption of this amendment, because that reads as follows today, and it does not take a lawyer—I think the laymen in this body will think this argument is sound. Amendment 31 reads as follows:

"The electors may propose to the Legislature for its consideration any bill, resolve, or resolution, including bills to amend or repeal emergency legislation, but not an amendment of the State constitution, by written petition addressed to the Legislature, or to either branch thereof" containing 12,000 names. But no, after the people of the State of Maine adopt the Barwise amendment that section is changed. The electors may propose to the Legislature for its consideration any bill, resolve or resolution except—you have got to write this in there. You are limiting not only the Legislature. You are limiting the people of the State of Maine. No Legislature can ever make an appropriation for private schools after this is adopted—no twelve thousand signers in Maine can propose such. I wonder, was it con-

templated? Possibly, but I much doubt it!

Well, there is another change and I would like to have this one answered. I think perhaps it may be, but I have never been able to think of the correct answer to it. It is a very interesting question, and I commend this, and I know that some of the legal gentlemen will be interested in this phase of it. The second paragraph grammatically, but not the second paragraph legally, says here: "No such grant, appropriation or use of public money or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any religious denomination or society." Well, that is very plain. It says that the public credit shall not be loaned. What for? For the purpose of founding, maintaining or aiding any religious denomination or party. That's all right. Article XXXV of the constitution says the credit of the State shall not be directly or indirectly loaned in any case. That is the present law. That is your present constitution, that you cannot directly or indirectly loan the credit of this state for any purpose. Now adopt this amendment—do you get that?—and you say that the faith and the credit of this state cannot be loaned, what for? for the founding, maintaining or aiding any religious denomination or society,—and by exclusion that it may be loaned for any other purpose. Do you gentlemen subscribe to that. You gentlemen vote to loan the credit of the State of Maine for any other purpose except the founding, maintaining or aiding the church. Now you can see that that thing has not been considered. That provision says that the credit of the State shall not be loaned for any purpose. What in the world is the use of repeating it if you want to make it stronger and make it affect the one, and by repeating it can you tell me what the court is going to say? I want to say here and now that we are reading into the record at least the interpretation and the view of one that the adoption of that amendment changes Article XXXV of our constitution with reference to what can be done on the loaning of the credit of the State of Maine, so that it will never be said it was not called to the attention of the Legislature.

There is another argument and I am done. I say this is a most unwise matter, and I doubt if this

thought has occurred. I say it is a most unwise amendment because it does not do all that the Senator from Cumberland said it did. It does not do it at all to my mind; it does very much more. You all remember the story from Aesop's Fables, and this is my view for what it may be worth. All monies raised by taxation in the towns and cities for the support of the public schools—and this applies to the city of Lewiston or the city of Augusta or any town—the money that is raised there for the support of the public schools, raised right there after the assessors have fixed the rate, etc., and all monies which may be appropriated by the state, and that is what we are doing here,—all monies which may be appropriated by the state for the support of the common schools—and get this—"shall be applied to and expended in no other schools than those which are conducted according to law and under the order and superintendence of the authorities of the town or city in which the money is expended."

Those are just words unless you mean by "schools conducted according to law and under the order and superintendence of the authorities in the town or city in which the money is expended," unless you mean publicly owned and publicly controlled schools, they are nothing but idle words unless you mean that. I have good authority upon that point. This was called to the attention of Governor Brewster during the course of the late primary campaign, at Rockland,—and he is a careful lawyer and I will pay him the credit of being a sincere and far-seeing man,—and at Rockland he said in effect that certain objections had been raised that this applied to the private schools and academies. I think it is so. I am not quoting him, but I have here every speech that he has ever made on this subject, and if you gentlemen want me to quote him I will do so. But in effect he said that amendment cannot apply to private academies because of that section of the Statute which permits towns to vote the money for tuition of the pupils. Now get that. He says if contracts are illegal under this, then the towns might vote to pay the tuition of the pupils and turn that money right into the particular schools by virtue of this Academy statute, which is a most interesting statute. Why, gentlemen, he could not have thought

that true when the Barwise or Brewster, or whatever amendment you care to name it, becomes a part of the organic law of the state of Maine, and a statute is in conflict with it, then the statute fades out of the picture and the organic law is what controls, and that statute which he would think to give him relief, to take that and make it what they expected it would be, an anti-sectarian proposition. They either mean public schools by those words or they don't mean anything.

Now this question is being raised here and now for the record, and in order that it may never be said that the legislature did not contemplate that. I deny a successful answer to my interpretation of paragraph one of that amendment; and I call in support of my contention His Excellency. Governor Brewster's remarks at Rockland, to the effect that verbal changes might be made to remove the difficulty. But as the Senator from Penobscot, Senator Barwise, has aptly said, there has been a lot of water that has gone over the dam since June, and there hasn't been the change of a word, or a comma or a period, and that is left just as it was then. I don't care how this man or that man may interpret it, the Chief Executive suggested the answer to the objection that the statute obtained. The statute is nothing if the amendment prevails. He suggested that a change in phraseology was possible. It has not been made. Now what are you going to do with that? Don't make any mistake. I am against it on principle. Don't you think you are affecting—according to Aesop's Fable, the dog that looked into the stream and saw his reflection—don't you think you are affecting some other institutions? You are going to cut off, in the first place, every one of the towns in the state of Maine that you find over here in this list, and you will find them on your desks, and I have down through here Leavitt, Limerick—the towns that have contracts—Anson Academy, Bluehill-George Stevens Academy, Bridgewater Classical Institute; it does not affect Bridgton Academy a bit; Calais Academy; it does not affect the Cathedral high school in Portland because they never got a nickel; Cherryfield Academy; it does not affect Coburn Classical Institute under the Academy aid, but you do affect it under the resolve; Corinna Union, East

Corinth, the Eastern Maine Institute at Springfield, the Eastern Maine Conference Seminary at Bucksport—no, I am wrong about that, and I will write that out; it is not affected under the Academy aid; it is affected under the second paragraph of the resolve; Erskine Academy at South China is affected because it is a contract school; Foxcroft Academy is affected very vitally; Freedom Academy, no; Fryeburg Academy, no; Gould Academy, no; Greely Institute at Cumberland Centre, no; Hampden Academy at Hampden, very vitally; Hartland Academy at Hartland, very vitally; Hebron Academy, no; Higgins Classical Institute, yes. The contract schools down through here are Leavitt, Limerick, Limington, Lincoln, Litchfield, Maine Central Institute, Maine Wesleyan Seminary—no, it is not; the Academy at Lincoln is not; Moxmouth Academy is; Monson Academy is; Parsonsfield is; Patten is; Robert Traipp Academy is; Somerset Academy at Athens is; Thornton Academy at Saco—now, I will say it is. That is located in the city of Saco, serving as a high school. It is an academy in that beautiful big city drawing aid under this Academy fund. That is one of the towns that I am sorry for, but they are better able to stand it than they are up at Mars Hill, or than they are over at China or at Vassalboro. They are better able to build a high school. Yes, they are better able to build a high school in Calais, and your Calais high school is an academy, and has been all these years. And Wiscasset Academy, and Wilton Academy.

Now an interesting thing to you might be to show you how your counties are affected, and I have made a little table upon that which is rather interesting. In Aroostook county, in the town of Mars Hill, \$10,370, and St. Mary's at Van Buren, \$3,042, and they lose altogether \$16,912; In Androscoggin Leavitt Institute, \$5,100; Cumberland loses \$9,000; Hancock county loses \$11,000; Kennebec County loses \$8,000; Lincoln county loses \$3,200; Oxford county loses \$12,500; Franklin county loses \$7,000; Somerset county loses \$10,700; Penobscot county—and here is the banner academy county, and in this Barwise bill Penobscot county loses \$34,304; Piscataquis loses \$21,500; Washington county loses \$17,384; and here is the runner-up for the championship class, York county with \$34,147. That is where

the money has been going. I don't care, if you think it is wise to cut these Academies off, you will cripple the towns and injure the academy, but over and above and beyond all you are limiting the youth. Of course, they can do another thing; they can get state aid. They can't get a penny by the town voting it, but they can all come down here to this legislature and flood it with private resolves and make it up in that way, provided they don't teach in their schools morality and piety. In the words of the Parsonsfield Seminary charter, if they teach morality and piety by chartered right they are legislated beyond the pale. But every private academy in Maine is precluded from other than special resolves.

Mr. President and Gentlemen, perhaps I have already taken too much of your time, but I have only casually adverted to a few objections. I think that this measure is unjust because it savors to me of breach of faith. As the Senator from Cumberland, Senator Hinckley, most eloquently referred to the article of separation, article seven protects certain institutions that were in existence at that time. You cannot deal differently with them. But all down through the years men and women have put their substance and their blood and brains and their best efforts into the building up of these institutions, dedicated ad majorem Dei gloriam, for the greater benefit of this State and for the greater glory of God. And then in the year 1925 the state of Maine says, notwithstanding our constitutional promise here in Art. VIII, notwithstanding article eight says that we shall from time to time do so and so, upon the wording of which and upon the sense of which you had a right to rely, in 1925 we are going to legislate you beyond the pale. Do you mean separation of church and state, or do you mean opposition of church and state? Those two generalities may be very easily confused.

Gentlemen, I am not standing up here speaking from any particular religious persuasion. I am talking as a citizen of the state of Maine, but I am not going to allow this occasion to pass without saying this, that as I view it this is a very thinly camouflaged and veiled attack not upon Catholicism but upon orthodox Protestantism, and I do not believe that Protestantism any more than Catholicism needs defense here, but the institutions that are affected here, eight to two,

are institutions that have given to the State of Maine Governors and Congressmen, Judges and Senators, and a legion of men who have sired and mothers who have borne children who have been a credit and who have helped make the State of Maine a state with the motto of "Dirigo." I say all honor to the Protestant schools of Maine, and I stand here and pay them that tribute that never till two years ago, from the day that I was in the high school with the distinguished gentleman who sits before you today, a former governor and representative of one of the great Christian denominations — never from the time until I saw that man grow up and through the office of Chief Executive of this State, never until after that have I heard such sentiments or thoughts raised in Maine, never any such in his day, never such entertained by him. It is perhaps unfortunate that I have adverted to this phase of the matter, but I could not help doing it. I have such supreme confidence in the sober sense of Americans and the absolute fair play of Protestant Americans that I do not have any interest in arguments from my own personal angle. I believe that Americans are so fundamentally sane that they will absolutely solve every specious pretext and they will destroy every false issue, no matter what its source may be, no matter what its authority, no matter what its claim. Supreme in my confidence in America and in my State, absolutely unyielding to any man in my love for this State, absolutely inalienable in my allegiance to her institutions, in accord with her ideals and committed to her destiny, I say that this and all kindred questions, if the temporary hysteria of the evasions of a cloak room are met man fashion the boat will stop rocking and we will go along on our calm, sensible and splendid course.

Mr. President, a number of years ago it was given to me to look down at the mausoleum of the greatest soldier of the modern world, and I borrow a description thereof in the words of America's great atheist, Robert Ingersoll. He said that magnificent sarcophagus of gilt and gold that holds the remains of the mightiest soldier of the modern world, as I look at that, I think that I would rather have been a French peasant and have worn wooden shoes and have sat at my cottage door, with the grapes kissed by the autumn sun,

and my loving wife by my side, and my children on my knee, that I would rather have been such a man and have gone down to the dreamless silence of the tongueless dust, than to have been that imperial impersonation of force and injustice, Napoleon Bonaparte.

It was given to me just a year ago next month to stand by another mausoleum by the banks of that old river that flows by my alma mater, my college, that was founded by the cousin of the only signer of the Declaration of Independence who gave his address to George III, and he was the richest man in the colonies at that time, Charles Carrol of Carrollton; and as I stood by that mausoleum a year ago in the late afternoon, upon the Virginia side of the Potomac, the shadows were lengthening and the day was dying and the sun on those Virginia hills, slanting down the river, struck on a flag, the only flag that has never known defeat, your flag and my flag, on the National Capitol, and that shaft of light bathed the memorial, a memorial ascending to the heavens, of the American whose patriotism I said at the beginning knew neither percentage nor price, and that shaft of light came nearer and bathed that great tomb in memory of that Apostle of peace, that man who trod the winepress of sacrifice in order that liberty and equality and justice should not perish from the earth, Abraham Lincoln. And then a flood of glory, the last rays of that sun, kissed that marble sarcophagus within which lies a boy, and I do not know, and no man knows, and history will never tell whether he was the son of a Virginia cavalier, or whether he was the descendant of some mammy that was blessed by the emancipation proclamation of Lincoln. And no one can tell whether he was born in the South land or in the North land, whether in those wind swept reaches of our prairies or in that ghetto district of our metropolis where they whistle "east side, west side, all around the town." It does not make any difference whether he was a white man or a black man or a brown man, whether he was a Jew or a Gentile, a Catholic or a Protestant, he typifies the best there is in American citizenship. He may have been a son of San Antonio or he may have come from our own St. John valley, but he was the soul of America. He was a boy who died for that im-

mortal sentiment, Dulce et decorum est pro patria mori—It is sweet and fitting to die for one's country. And it is just as true for that land as it was when it was first sung by a liberty-loving Latin on the Sabine hills.

Gentlemen, I trust you will pardon me—at the outset I suggested that you forgive me if at any time I seemed to be intense. But I really think that the thing for us to do is to keep sweet and quiet and calm, to get in step with the fellow ahead and carry on, in order that it may be just as good a world and just as dear a State for the ones who are coming after us as we have found it. (Applause.)

Mr. ALLEN of York: Mr. President, I move that we recess until 2 o'clock.

Mr. HINCKLEY: Mr. President, many of the committees have advertised hearings for this afternoon at 2 o'clock. A majority of the senators owe it to the citizens of the State of Maine to keep that appointment. I would suggest that we finish now or recess until tomorrow morning, in order that we may fulfill the obligations which we owe to the hundreds from every part of the State of Maine who have come here in accordance with the notices which the committees have sent out.

Mr. BARWISE: I would like to inquire how many more of the senators expect to speak, and to tell you now that if you will accord me the privilege of talking to you, I will not take over two minutes, and then expect to ask for a yea and nay vote.

Mr. MAHER: Mr. President, I move unanimous consent be given Mr. Barwise to do it now.

The PRESIDENT: The Chair will have to rule that there is a motion before the house. If the senator will withdraw that—

Mr. ALLEN: I withdraw the motion, Mr. President.

The PRESIDENT: The Senate grants unanimous consent for the senator from Penobscot, Senator Barwise, to speak again.

Mr. BARWISE: Mr. President, I was charmed by the wonderful address which you have just listened to by the distinguished senator from Kennebec. I never have heard him in, I think, a happier vein than this morning.

I only wish to correct the record in one respect. He spoke of sixteen and seventeen states in two groups. I wish to assure you that every one of the group of sixteen states, their constitutional

amendments include everything that the seventeen include. You might think that it was not so by the way he presented it, but there are thirty-three states that include all that I am asking for in this amendment, and much more. My statements stands just as it did before—there are thirty-three states.

Now as to this constitution, the distinguished Senator has made a wonderful discovery. He has discovered that this amendment really amends. I assumed all the time that it amended. He has made the discovery that it will modify to a certain extent some of the previous provisions of the constitution. Well, if it did not, I should not be asking for it. If this amendment did not amend, I should not be asking for it. But when he tells you that an amendment here of a narrower grant by exclusion will modify a broader amendment previously passed, he is stating what he and every other lawyer ought to know is not true. The constitutional provision is not limited or modified unless by necessary construction it must be. Always the most liberal and broadest construction is placed on constitutional amendments. It would have to be either by direct words or by something that was positively incongruous and antagonistic to it, in order to repeal the other proposition by exclusion. I will not go further into that argument but merely say to you, gentlemen, that this proposition, just as I said before, is that no public money shall be appropriated or expended for any sectarian schools. It means nothing more. It means nothing less. And it means just that. I ask, Mr. President, that when we take the vote, we may do it by yeas and nays on my original motion that it be enacted.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the final passage of the resolve proposing an amendment to the Constitution prohibiting the use of public funds for sectarian schools. This is a constitutional amendment and requires the affirmative vote of two-thirds of the Senate. A vote "yes" is in favor of the passage of the resolve, a vote "no" is against the passage of the resolve.

The Secretary will call the roll. Those voting "yes" were Senators Allen, Barwise, Bond, Buzzell, Carter, Chalmers, Clarke, Crafts, Cram-

Foster, Holley Lord, Miner, Perkins, Phillips, Roberts, Speirs, Walker; those voting "no" were Senators Anthoine, Carleton, Case, Hinckley, Hussey, Lane, Maher, Morrison, Powers, Smith, Wadsworth, Wilson.

Eighteen having voted in the affirmative and twelve in the negative,

the Constitutional amendment failed of passage.

Mr. HINCKLEY of Cumberland: Mr. President, I move we now adjourn until tomorrow morning at ten o'clock.

The motion was agreed to.